IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 16355 of 2007(V)

PETITIONER:

B.SUKUMARI AMMA,
W/O.R.PARAMESWARAN PILLAI, AGED 56 YEARS,
APSARA COTTAGE, PUDUSSERY, PALAKKAD DISTRICT
RETIRED L.P.S.A FROM S.V.S.M.U.P SCHOOL, PUDUSSERY.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

---

1. STATE OF KERALA, REP. BY SECRETARY TO
GOVERNMENT, DEPT. OF GENERAL EDUCATION,
GOVT. SECRETARIAT, TRIVANDRUM.

2. THE ASSISTANT EDUCTIONAL OFFICER,
CHITTUR, PALAKKAD DISTRICT.

3. A.STARSON JAMES,
THE ASSISTANT EDUCTIONAL OFFICER,
CHITTUR, PALAKKAD DISTRICT.

4. M.DAKSHAYANI JAYASREE,
W/O.V.V.MURALIKUMAR, AGED 49 YEARS,
SENIOR SUPERINTENDENT, OFFICE OF THE ASSISTANT
EDUCATIONAL OFFICER, CHITTUR, PALAKKAD DISTRICT.

5. THE HEAD MASTER, S.V.S.M.U.P. SCHOOL,
PUDUSSERY, PALAKKAD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO.16355 OF 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: COPY OF APPLICATION DATED 12.3.2007 SUBMITTED UNDER THE RIGHT TO INFORMATION ACT.

EXHIBIT P2: COPY OF LETTER DATED 12.4.2007 ISSUED BY THE SECOND RESPONDENT.

EXHIBIT P3: COPY OF LETTER DATED 2.9.2005 OF THE DISTRICT EDUCATIONAL OFFICER, PALAKKAD.

EXHIBIT P4: COPY OF LETTER DATED 9.9.2005 OF THE SECOND RESPONDENT.

EXHIBIT P5: COPY OF LETTER DATED 8.1.2006 OF THE SECOND RESPONDENT.

EXHIBIT P6: COPY OF LETTER DATED 5.5.2007 SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT.

/TRUE COPY/

PA TO JUDGE

A.K.BASHEER, J.

W.P(C).NO. 16355 of 2007

Dated this the 17th day of July, 2007

JUDGMENT

The grievance of the petitioner, who is a retired Lower Primary School Assistant, is that her death-cum-retirement gratuity and other retiral benefits are being withheld by the respondents without any valid or justifiable reasons.

2. The learned Government Pleader, after getting instruction, submits that liability to the tune of Rs.4,729/- had been initially proposed to be fastened on the petitioner for the irregularities which were noticed at the time when he was in charge of 'noon meal' scheme in the school.

3. Learned counsel for the petitioner takes strong exception to the above submission made by the learned Government Pleader. He submits that the petitioner was only in temporary charge and she was not at all responsible for malfeasance or misfeasance, if any. I do not propose to deal with the merit of the rival contentions at this stage. Petitioner can take recourse to the remedy available to her under law.

In the above facts and circumstances, the Writ Petition is disposed of with a direction that the second respondent shall issue

liability certificate to the extent of the liability mentioned above. It shall be done as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment. The admitted retiral benefits shall be disbursed within one month thereafter. It will be open to the petitioner to raise her objections with regard to the alleged liability proposed to be fastened on her.

A.K.BASHEER, JUDGE

vgs.